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STANLEY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

JASON ZAJONC and DENNIS FOWLER,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

MORGAN STANLEY & CO. LLC, f/k/a  
Morgan Stanley & Co. Incorporated,  
MORGAN STANLEY SMITH BARNEY  
LLC, and MORGAN STANLEY,

Defendants.

Case No. 4:14-cv-05563-EMC

**DECLARATION OF PATRICIA  
FROOME IN SUPPORT OF  
DEFENDANTS MORGAN STANLEY &  
CO. LLC, MORGAN STANLEY SMITH  
BARNEY LLC, AND MORGAN  
STANLEY'S PORTION OF  
SEPTEMBER 2, 2015 JOINT  
DISCOVERY LETTER**

Complaint Filed: December 19, 2014  
FAC Filed: August 7, 2015

1 I, Patricia Froome, declare as follows:

2 1. I am employed by Morgan Stanley & Co. Incorporated LLC as an Executive  
3 Director in its Human Resources Division. I have worked in payroll at Morgan Stanley for 21  
4 years. My job duties include being responsible for payroll production for the United States and  
5 Canada. I am familiar with the payroll records of Morgan Stanley employees in the United  
6 States, including those in California. As a result of my position, I know the following facts to be  
7 true of my own personal knowledge and could and would competently testify to the truth thereof  
8 if called as a witness.

9 2. It is my understanding that the putative class in this putative class action consists  
10 of approximately 1,200 individuals who have been employed by Morgan Stanley in California as  
11 pre-production trainees in Morgan Stanley's Financial Advisor Training Program between  
12 December 19, 2010 and the present ("trainees").

13 3. It is my understanding that Plaintiffs seek time records for trainees in both Excel  
14 format and as screenshots in PDF format.

15 4. Employee time records are maintained in the MyTime system.

16 5. Excel time records are gathered by conducting individual searches in the MyTime  
17 system for each trainee. To cull an Excel time record, a separate query must be built and run to  
18 produce time records tailored to the dates each trainee was in the pre-production phase of the  
19 FAA Training Program. This is a manual process. Assuming that each trainee works about  
20 twelve workweeks during pre-production, that process will take approximately 30 minutes per  
21 individual (4 minutes to pull and 1 minute to review per 2-week time period) or 600 hours for the  
22 entire putative class.

23 6. Screenshot time records are located and gathered by conducting individual  
24 searches in the MyTime system for each putative class member. Morgan Stanley must search for,  
25 pull up, and individually print screenshots from the MyTime system for each pay period each  
26 trainee worked for the relevant time period (which differs by each trainee). This process is  
27 manual and takes approximately 48 minutes per individual (6 minutes to pull, 1 minute to review,  
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1 and 1 minute to convert to PDF) or 960 hours for the entire putative class (assuming 12  
2 workweeks per trainee).

3 7. It is also my understanding that Plaintiffs seek pay statements for trainees during  
4 the time period of December 19, 2010 to the present. Pay statements for the relevant dates, which  
5 differ across trainees, are located and gathered by conducting individual searches in the Firm's  
6 payroll system. The collection of pay statements would not be one-hundred percent complete  
7 because off-cycle paychecks that are processed manually are not included in the database that  
8 contains paychecks issued during the regular pay cycle. Additional research and investigation  
9 would be required to identify and gather any applicable payments that may have been delayed and  
10 processed in later pay periods. This process is manual. I could only dedicate an experienced  
11 payroll employee to the paycheck collection for a limited time each business day.

12 8. To print 12 weeks of paychecks and combine them into one PDF takes  
13 approximately 4-5 minutes per trainee or 80 to 100 hours.

14 9. I do not have the staff resources to dedicate an individual payroll employee to  
15 these projects. These projects would need to be accomplished in addition to regular payroll  
16 duties.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct. Executed this 23 day of September, 2015 in Purchase, New York.

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21   
22 Patricia Froome

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